

**ARTICLE 4.
SCHEDULE OF DISTRICT REGULATIONS**

Part A. Traditional Zoning Districts.

Section 4.1. RU-Rural.

(A) Description: Intent.

This District covers those lands not envisioned as becoming of urban or suburban character within twenty (20) years.

The general intent is to recognize that existing patterns of development for the greater part have not adversely impacted one another and so should either be permitted or permissible. The result is a mixed use Zoning District, incorporating bona fide farms and related activities, residential uses, commercial uses, and manufacturing uses.

Lot size for a dwelling unit is comparable to the lot size for same in the low density residential Zoning District. Lands in this District rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively.

(B) Permitted Principal Uses And Structures.

Subject to provisions and restrictions contained here and elsewhere in this Chapter.

- (1) Adult Day Care/Health Services. Rev. 12/01/03
- (2) Agri-Business.
- (3) Arboretums/Botanical Garden.
- (4) Bed and Breakfast Houses.
- (5) Bona Fide Farms.
- (6) Cemeteries.
- (7) Churches.
- (8) Commercial Stables.
- (9) Commercial Boating Facilities.
- (10) Contractors Office or Storage.
- (11) Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.
- (12) Day Care Facilities.
- (13) Duplexes.
- (14) Educational Facilities.

- (15) Family Care Homes.
- (16) Funeral Homes.
- (17) Golf Courses.
- (18) Golf Driving Ranges.
- (19) Government Offices and Buildings.
- (20) Hunting Clubs.
- (21) Landscaping and Horticultural Services.
- (22) Mini-Storage, RV/Camper and Boat Storage Facilities.
- (23) Nurseries.
- (24) Nursing Home Facilities.
- (25) Personal Service Establishments.
- (26) Private Clubs.
- (27) Private Stables.
- (28) Public and Semi-public Facilities.
- (29) Public parks, Playgrounds, Playfields & Community Centers.
- (30) Restaurants.
- (31) Retail sale of produce grown on the premises.
- (32) Retail sales less than or equal to 10,000 square feet.
- (33) Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; and 2) are not of a nature prohibited under F. Prohibited Uses and Structures.

- (1) Adult Day Care/Health Services.
- (2) Boarding House, for not over five non-family persons.
- (3) Day Care of not over five children, infirm persons, or elderly.
- (4) Home Occupations.

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- (5) Non-commercial Docks and Boathouses.
- (6) Professional Offices/Studios.
- (7) Temporary structures and operations in connection with an on the site of construction or land preparation activities, provided a Certificate of Occupancy shall have been issued therefor.
- (8) Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".

(D) Special Exceptions Permissible By The Zoning Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Zoning Board of Adjustment may permit:

- (1) Agricultural industry, when the commodity processed is produced entirely on the same premises by a bona fide farm and no commodity not produced on the same land of this farm is treated or processed.
- (2) Airstrips.
- (3) Commercial Recreation Facilities.
- (4) Emergency Shelter, with the following minimum requirements: Rev. 10/04/04
 - (a) Location Consideration.
 - (i) Shall be no closer than one-half (1/2) mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
 - (b) Shelter Management.
 - (i) Temporary shelter shall be available to residents for no more than six (6) months.
 - (ii) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (iii) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.

- (iv) Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):
 - (a) Food service.
 - (b) Job counseling.
 - (c) Alcohol and drug addiction screening and counseling.
 - (d) Domestic abuse counseling.
 - (e) Health Care.
 - (f) Mental Health Care.
 - (g) Case Management.
 - (h) Transportation
 - (i) Safety Plan.
- (c) Development Standards.
 - (i) Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Childcare facilities.
 - (e) Other support services.
 - (ii) Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 - (iii) External Lighting. Any lighting shall be internally oriented and shall not exceed forty feet (40') in height in commercially zoned areas and thirty feet (30') in height in residentially zoned areas.
 - (iv) Recreational Areas. Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.
 - (v) Outdoor Activity. For the proposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 - (vi) Unit Density. Minimum of two hundred (200) gross square feet per person.
 - (vii) Hours of Operation. Emergency shelters shall remain open 24 hours per day.
 - (viii) Separation of Clients. Emergency shelters shall provide for separation of families from individuals and special needs clients.
 - (ix) Buffering. Buffering shall be consistent with the requirements outlined in Section 6.3. of the Brunswick County Zoning

Ordinance. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.

- (x) Off-Street Parking. Off-street parking shall be in accordance with Article 5 Section 5 Off-Street Parking and Loading Spaces.
- (5) Energy Generating Facilities.
- (6) Flea Markets.
- (7) Funeral Home with Crematorium.
- (8) Garage Service and/or Automobile Repair.
- (9) Group Care Homes.
- (10) Incinerators for the disposal of animal remains.
- (11) Junkyard, with the following minimum requirements:
 - (a) **Fencing.**
 - (i) Location. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:
 - (a) Within Fifty Feet (50') of Right-of-Way. An eight foot (8') solid fence is required if located within fifty feet (50') of the right-of-way boundary; or,
 - (b) Outside Fifty Feet (50') from Right-of-Way. A six foot (6') high solid fence is required if located fifty feet (50') or more from the right-of-way boundary.
 - (ii) Conditions. Such fencing shall meet the following conditions:
 - (a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

- (b) Maintenance. All fences shall be maintained in sound condition at all times; and,
 - (c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.
- (b) **Open Burning.** Open burning is prohibited.
- (c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.
- (d) **General Requirements.**
 - (i) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
 - (ii) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
 - (iii) Stock piling of tires and batteries is prohibited.
 - (iv) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
- (e) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- (f) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
- (g) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
- (h) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.
- (i) Access shall be provided by paved road to the lot.

- (12) Kennel.
- (13) Manufactured and Modular Home Sales Lots.
 - (a) On site sales office must be in operation within 180 days of the date of the Special Exception or the Special Exception becomes null and void.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.
 - (d) Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
 - (e) Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - (f) The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".
- (14) Martial Arts Instructional Schools.
- (15) Mining Operations, Class I.
- (16) Non-hazardous Solid and Liquid Waste Disposal Sites.
- (17) Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals.
 - (a) The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) The merchandise shall not be located in any required yard.

- (d) The area displaying the merchandise must be screened or buffered from any adjoining residential use or zone.
 - (e) Permanent display shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
- (18) Private organizations operating as nude campgrounds, colonies, resorts or similar facilities, with the following minimum requirements:
 - (a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
 - (b) Must operate as private organization with no access by the general public. Only members or guests members may be permitted on site.
 - (c) Must provide adequate visual and noise screening and/or buffering.
 - (d) No part of any facility or structure shall be:
 - (i) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (ii) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (iii) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (iv) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (v) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (vi) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (19) Planing Mill.

- (20) Racetracks (i.e., dog race, horse race, go-cart, mud bogs and motorized vehicles).
- (21) Research Facilities.
- (22) Repair, remodeling, and renovation of vehicles and farm equipment, whether for profit or as a hobby, as long as any such activity is kept at least one hundred feet (100') away from any property line which abuts the R-7500, Low Density Residential, or the R-6000, Medium Density Residential Zoning Districts.
- (23) Retail sales more than 10,000 square feet.
- (24) Retreat Center.
- (25) Sawmills.
- (26) Sewer and Wastewater Treatment Plants and Facilities.
- (27) Shooting Ranges.
- (28) Transmission Towers.
- (29) Vehicle and Heavy Equipment Sales and Rentals.
 - (a) Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
- (30) Veterinary Establishments.
- (31) Wood Waste Grinding Operations with the following minimum requirements:
 - a. The minimum lot size shall be ten (10) acres.
 - (b) Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.

- (c) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
- (d) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
- (e) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.
- (f) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
- (g) Buffering and landscaping requirements shall be in accordance with Article 6 Section 6.3 Buffering and Landscaping Requirements for Berms and for Yards in which Buffers are Required.

- (h) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev. 06/02/03

(E) Special Exceptions Permissible By The Planning Board.

- (1) Campgrounds.
- (2) Manufactured Home Parks.

(F) Prohibited Uses And Structures.

- (1) Class D Manufactured Homes.
- (2) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.

(G) Minimum Lot Requirements: (Area And Width).

Per Dwelling Unit:

Lot area – 15,000 square feet.
Lot width – 75 feet.

All Other Uses Excepting Bona Fide Farms:

Lot Area – 1 acre.
Lot Width – 200 feet.

Bona Fide Farms:

Exempt.

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

(H) Minimum Yard Requirements: (Depth Of Front And Rear Yards, Width Of Side Yard).

Front Yards – 50 feet.

Rear Yards – 50 feet.

Side Yards – 20 feet.

For parcels of record of less than one acre, front yard setback is twenty-five feet (25'), side yard setback is ten feet (10'), and rear yard setback is twenty-five (25').

Section 4.2. R-7500: Low Density Residential.

(A) Description: Intent.

Basically low density single family residential areas providing other required attributes of a neighborhood.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Bed and Breakfast Houses.
- (2) Bona Fide Farms.
- (3) Churches.
- (4) Educational Facilities.
- (5) Family Care Homes.
- (6) Golf Courses.
- (7) Public parks, Playgrounds, Playfields and Community Centers.
- (8) Public and Semi-public Facilities.
- (9) Single Family Dwellings, Modular Dwellings, and Class A Manufactured Dwellings.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".

Non-commercial docks and boat houses. Home occupations, provided such uses meet the requirements stipulated for home occupations and not more than one occupation-related vehicle (to be screened from the street and residential properties and parked off the street over night), which will weigh not more than two and one-half tons gross weight, is permitted for the home occupation.

Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of

equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult Day Care/Health Services.
- (2) Cemeteries.
- (3) Day Care Facilities.
- (4) Government Offices and Buildings.
- (5) Group Care Homes.
- (6) Nursing Home Facilities.
- (7) Private Clubs.
- (8) Private Stables.
- (9) Retail sale of produce grown on the premises.
- (10) Sewer and Wastewater Treatment Plants and Facilities.

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(E) Special Exceptions Permissible By The Planning Board.

Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots, as long as the overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 7,500 square feet of land when public or community water and sewer service is available, or 15,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space, possibly combined water bodies as long as they do not have a utilitarian function. In no

case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.
- (2) Classes B, C, and D manufactured dwellings.
- (3) Garage apartments.
- (4) The parking or storage of any vehicle with a wheelbase greater than one hundred thirty-five inches (135") or with Gross Vehicle Weight Rating (GVWR) greater than fourteen thousand pounds (14,000 lbs.), excepting for privately owned non-commercial vehicles used for recreation.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 7,500 square feet

Lot width – 75 feet

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet

Lot width – 75 feet

Bona Fide Farms:

Exempt.

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Community and Municipal Buildings other than Schools and other Public and Semi-public Uses:

Lot area – 1 acre

Lot width – 200 feet

Private Clubs:

Lot area – 10 acres

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Family Dwellings:

Front yards – 25 feet

Rear yards – 9 feet

Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 5 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches

Front yards – 25 feet

Rear yards – 25 feet

Side yards – 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Private Clubs:

50 feet on all sides.

Section 4.3. R-6000: Medium Density Residential.

(A) Description: Intent.

Single family residential areas of mixed conventional construction, manufactured homes, and modular housing units including combination thereof, of the same general character as R-7500 but with somewhat smaller minimum lots and yards, and a corresponding increase in housing unit and population density.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in the Ordinance.

- (1) Bed and Breakfast Houses.
- (2) Bona Fide Farms.
- (3) Churches.
- (4) Duplexes.
- (5) Educational Facilities.
- (6) Family Care Homes.
- (7) Golf Courses.
- (8) Public parks, Playgrounds, Playfields and Community Centers.
- (9) Public and Semi-public Facilities.
- (10) Single Family Dwellings, Modular Dwellings, Class A, B and C Manufactured Dwellings.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".

Non-commercial docks and boat houses. Home occupations, provided such uses meet the requirements stipulated for home occupations and not more than one occupation-related vehicle (to be screened from the street and residential properties and parked off the street over night), which will weigh not more than two and one-half tons gross weight, is permitted for the home occupation.

Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of

equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult Day Care/Health Services.
- (2) Cemeteries.
- (3) Day Care Facilities.
- (4) Government Offices and Buildings.
- (5) Group Care Homes.
- (6) Nursing Home Facilities.
- (7) Private Clubs.
- (8) Private Stables.
- (9) Retail sale of produce grown on the premises.
- (10) Sewer and Wastewater Treatment Plants and Facilities.

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(E) Special Exceptions Permissible By The Planning Board.

- (1) Manufactured Home Parks.
- (2) Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots as long as overall density of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 6,000 square feet of land when public or community water and sewer service is available, or 10,000 square feet where either or both public or community water or sewer is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming

pools, ancillary structures, trafficways, parking, and all other use of the land than green open space. In no case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Class D manufactured dwellings.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 6,000 square feet

Lot width – 60 feet

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet

Lot width – 60 feet

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Community and Municipal Buildings other than Schools and other Public and Semi-public Uses:

Lot area – 1 acre
Lot width – 200 feet

Private Clubs:

Lot area – 10 acres

Bona Fide Farms:

Exempt.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Dwelling Unit:

Front yards – 25 feet
Rear yards – 9 feet
Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 5 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches

Front yards – 25 feet
Rear yards – 25 feet
Side yards – 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Private Clubs:

50 feet on all sides.

Section 4.4. SBR: Site Built R-6000.

(A) Description: Intent.

This district is established for single family site built dwellings. In promoting the general purpose of this Ordinance, the specific intent of the district is:

To encourage the construction of and the continued use of the land for single family dwellings; To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with development of single family dwellings.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Churches.
- (2) Educational Facilities.
- (3) Family Care Homes.
- (4) Golf Courses.
- (5) Public parks, Playgrounds, Playfields and Community Centers.
- (6) Public and Semi-public Facilities.
- (7) Single family dwellings including modular dwellings.

(C) Permitted Accessory Uses And Structures.

- (1) Use and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".
- (2) Non-commercial docks and boat houses. Home occupations.
- (3) Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

- (1) Adult Day Care/Health Services.

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- (2) Cemeteries.
- (3) Day Care Facility.
- (4) Government Offices and Buildings.
- (5) Retail sale of produce grown on premises.
- (6) Sewer and Wastewater Treatment Plants and Facilities.

(E) Special Exceptions Permissible By The Planning Board.

Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots, as long as overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 6,000 square feet of land when public or community water and sewer service is available, or 10,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space, possibly combined water bodies as long as they do not have a utilitarian function. In no case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.
- (2) Classes A, B, C, and D manufactured dwellings and sectionalized homes.
- (3) Garage apartments.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 6,000 square feet

Lot width – 60 feet

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet

Lot width – 60 feet

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Except that existing churches can be expanded on lots of no less than one (1) acre and a minimum lot width of one hundred twenty (120) feet provided minimum off-street parking requirements are met in the entire development.

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Family Dwellings:

Front yards – 25 feet

Rear yards – 9 feet

Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 6 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches:

Front and rear yards – 25 feet

Side yards – 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Section 4.5. R-10,000: Low Density Residential.

(A) Description: Intent.

This District is established for single family dwellings. In promoting the general purpose of this Ordinance, the specific intent of the district is:

To encourage the construction of and the continued use of the land for single family dwellings. Basically low density single family residential areas providing other required attributes of a neighborhood.

(B) Permitted Principal Use And Structures.

Subject to provisions and restrictions contained here and elsewhere in this Ordinance.

- (1) Churches.
- (2) Educational Facilities.
- (3) Family Care Homes.
- (4) Golf Courses.
- (5) Public parks, Playgrounds, Playfields and Community Centers.
- (6) Public and Semi-public Facilities.
- (7) Single-family residence and modular dwellings.

(C) Permitted Accessory Uses And Structures.

- (1) Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".
- (2) Non-commercial docks and boat houses. Home occupations, provided such uses meet the requirements stipulated for home occupations and not more than two (2) occupation-related vehicles.
- (3) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials, provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

- (1) Adult Day Care/Health Services.
- (2) Cemeteries.
- (3) Day Care Facility.
- (4) Government Offices and Buildings.

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(E) Special Exceptions Permissible By The Planning Board.

Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots, as long as overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 10,000 square feet of land when public or community water and sewer service is available, or 20,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space, possibly combined water bodies as long as they do not have a utilitarian function. In no case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.
- (2) Classes A, B, C, and D manufactured dwellings.
- (3) Garage apartments.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 10,000 square feet

Lot width – Average

WITHOUT WATER AND SEWER:

Lot area – 20,000 square feet

Lot width – Average

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Except that existing churches can be expanded on lots of no less than one acre and a minimum lot width of 120 feet provided minimum off-street parking requirements are met in the entire development.

Public Educational Facilities:

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Private Educational Facilities:

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Government and Community Buildings, Public and Semi-Public Uses:

Lot area – 1 acre

Lot width – 200 feet

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Family Dwellings:

Front yard – 25 feet

Rear yard – 20 feet

Side yard – 10 feet

15 feet adjacent to street.

Other Principal Uses and Structures: Churches:

Front yard – 25 feet

Rear yard – 25 feet

Side yard – 10 feet

No other use than off-street parking shall be located in any yard which adjoins a residentially zoned lot.

Section 4.6. MR 3200: Multifamily Residential District.

(A) Description: Intent.

This district is established as an area in which the principal use of the land is for high density residential purposes, not to exceed fourteen dwelling units per acre. The district also provides for the development of less intensive residential uses, as well as for compatible supporting uses.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Churches.
- (2) Duplexes, Triplexes or other Multi-family Structures.
- (3) Golf Courses.
- (4) Family Care Homes.
- (5) Public parks, Playgrounds, Playfields, and Community Centers.
- (6) Public and Semi-Public Facilities.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: (1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; (2) do not involve the conduct of a business; and (3) are not of a nature prohibited under "Prohibited Uses and Structures".

One on-premise management/sales/maintenance office unit.

Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult Day Care/Health Services.
- (2) Cemeteries and Funeral Homes.
- (3) Day Care Facility.

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- (4) Government Offices and Buildings.
- (E) Special Exceptions Permissible By The Planning Board.
None.
- (F) Prohibited Uses And Structures.
- (1) Classes A, B, C, and D manufactured dwellings.
- (2) Garage apartments.
- (3) Single Family Dwellings.
- (G) Minimum Lot Requirements (Area And Width).
Per Dwelling Unit:
WITH WATER AND SEWER:
Lot area – 3,200 square feet.
Lot width – 50 feet.

WITHOUT WATER AND SEWER:
Lot area – 7,000 square feet.
Lot width – 70 feet.

Other Structures and Uses:
Lot area – 15,000 square feet.
Lot width – 100 feet.
- (H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).
Multi-Family Dwellings:
Front yards – 25 feet.
Rear yards – 20 feet.
Side yards – 6 feet.
15 feet adjacent to street.

Other Structures and Uses:
Front yards – 25 feet.
Rear yards – 25 feet.
Side yards – 10 feet.

Section 4.7. C-LD: Commercial Low-Density.

(A) Description: Intent.

Districts in this category are intended primarily to be located in outlying areas, adjacent to major thoroughfare, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfare. These districts will 1) serve requirements of residential neighborhoods for commercial facilities and 2) serve requirements of highway oriented tourist business.

(B) Permitted Principal Uses And Structures

Subject to provisions or restrictions contained here and elsewhere in this Chapter.

- (1) Adult Day Care/Health Services. Rev. 12/01/03
- (2) Agri-Business.
- (3) Arboretums/Botanical Garden.
- (4) Audio, Video Production and Distribution Facilities.
- (5) Bed and Breakfast Houses.
- (6) Boarding houses.
- (7) Bona Fide Farms.
- (8) Bowling Alleys.
- (9) Churches.
- (10) Commercial Boating Facilities.
- (11) Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.
- (12) Day Care Facilities.
- (13) Educational Facilities.
- (14) Family Care Homes.
- (15) Financial Institutions.
- (16) Funeral Homes.
- (17) Funeral Homes with Crematorium.
- (18) Golf Courses.

- (19) Golf Driving Ranges.
- (20) Government Offices and Buildings.
- (21) Hospitals.
- (22) Hotels and motels.
- (23) Indoor Theater and Auditoriums.
- (24) Landscaping and Horticultural Services.
- (25) Martial Arts Instructional Schools.
- (26) Mini-storage, RV/Camper and Boat Storage Facilities.
- (27) Nurseries.
- (28) Nursing Home Facilities.
- (29) Outdoor Advertising Structures.
- (30) Parking Garage/Commercial Parking Lot.
- (31) Performing Arts Studios.
- (32) Personal Service Establishments.
- (33) Private Clubs.
- (34) Professional Offices/Studios.
- (35) Public parks, Playgrounds, Playfields and Community Centers.
- (36) Public and Semi-public Facilities.
- (37) Research Facilities.
- (38) Restaurants.
- (39) Retail sale of produce grown on premises.
- (40) Retail sales less than or equal to 10,000 square feet.
- (41) Retail sales more than 10,000 square feet.
- (42) Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.
- (43) Skating Rinks.
- (44) Veterinary Establishments.

(C) Permitted Accessory Uses And Structures.

- (1) Home Occupations.
- (2) One on-premise attached or detached dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use. The accessory uses must adhere to the following requirements:
 - (a) The dwelling unit shall be occupied solely by the person engaged in the principal use (owner, lessor, manager, watchman, or custodian), or their family members residing with them;
 - (b) The building shall meet the minimum setback requirements of the C-LD Zone;
 - (c) The amount of floor area for the attached dwelling unit shall be not more than fifty percent (50%) of the total floor area of the principal use;
 - (d) The attached dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial low density frontage;
 - (e) In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the dwelling unit.
- (3) Uses and structures which are customarily accessory to and clearly incidental to permitted and permissible uses and structures, and are not of a nature prohibited under "Prohibited Uses and Structures".
- (4) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued therefor.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Cemeteries.
- (2) Commercial Recreation Facilities.

- (3) Emergency Shelter, with the following minimum requirements: **Rev. 10/04/04**
- (a) Location Consideration.
 - (i) Shall be no closer than one-half (1/2) mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
 - (b) Shelter Management.
 - (i) Temporary shelter shall be available to residents for no more than six (6) months.
 - (ii) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (iii) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.
 - (iv) Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):
 - (a) Food service.
 - (b) Job counseling.
 - (c) Alcohol and drug addiction screening and counseling.
 - (d) Domestic abuse counseling.
 - (e) Health Care.
 - (f) Mental Health Care.
 - (g) Case Management.
 - (h) Transportation
 - (i) Safety Plan.
 - (c) Development Standards.
 - (i) Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Childcare facilities.
 - (e) Other support services.

- (ii) Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 - (iii) External Lighting. Any lighting shall be internally oriented and shall not exceed forty feet (40') in height in commercially zoned areas and thirty feet (30') in height in residentially zoned areas.
 - (iv) Recreational Areas. Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.
 - (v) Outdoor Activity. For the proposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 - (vi) Unit Density. Minimum of two hundred (200) gross square feet per person.
 - (vii) Hours of Operation. Emergency shelters shall remain open 24 hours per day.
 - (viii) Separation of Clients. Emergency shelters shall provide for separation of families from individuals and special needs clients.
 - (ix) Buffering. Buffering shall be consistent with the requirements outlined in Section 6.3. of the Brunswick County Zoning Ordinance. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.
 - (x) Off-Street Parking. Off-street parking shall be in accordance with Article 5 Section 5 Off-Street Parking and Loading Spaces.
- (4) Garage service and/or Automobile repair.
 - (5) Group Care Homes.
 - (6) Kennel.
 - (7) Manufactured and Modular Home Sales Lots.
 - (a) On site sales office must be in operation within 180 days of the date of the Special Exception or the Special Exception becomes null and void.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.
 - (d) Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign

- not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
- (e) Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - (f) The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".
- (8) Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals.
- (a) The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) The merchandise shall not be located in any required yard.
 - (d) The area displaying the merchandise must be screened or buffered from any adjoining residential use or zone.
 - (e) Permanent display shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
- (9) Private organizations operating as nude campgrounds, colonies, resorts, or similar facilities, with the following minimum requirements:
- (a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
 - (b) Must operate as private organization with no access by the general public. Only members or guest of members may be permitted on site.
 - (c) Must provide adequate visual and noise screening and/or buffering.
 - (d) No part of any facility or structure shall be:

- (i) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (ii) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (iii) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (iv) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (v) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (vi) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (10) Repair, remodeling, and renovating of farm vehicles and equipment.
- (11) Seafood Processing.
- (12) Sewer and Wastewater Treatment Plants and Facilities.
- (13) Vehicle and Heavy Equipment Sales and Rentals.
 - (a) Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
- (14) Warehousing and Storage.

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

- (1) Campgrounds.
- (2) Manufactured Home Parks.
- (3) Mixed Use Development with both Commercial and Residential Uses in the same structure.
 - (a) Residential use in conjunction with Personal Service Establishments, Professional Offices/Studios, Performing Arts Studios or Retail Sales less than 10,000 square feet only.
 - (b) Residential use located above ground only.
 - (c) Ingress and egress provided from the ground level.
 - (d) No on-premise licensing for alcoholic beverages.
 - (e) Parking will be based on both residential and commercial development design standards.
 - (f) Meet commercial and applicable buffering requirements. Rev. 12/01/03
- (4) Planned Groups of Structures.
- (5) Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots as long as the overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 7,500 square feet of land when public or community water and sewer service is available, or 15,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than

green open space. In no case shall any structure or pavement or sign be located closer than twenty-five feet (25') to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgement as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Any use which fails to meet the performance standards of the C-LD District.
- (3) Class D manufactured dwellings.
- (4) Dwelling units, except as provided under Accessory Uses and Permissible Uses.
- (5) Truck terminals with storage warehouses and storage yards.

(G) Minimum Lot Requirements (Area And Width).

Retail Stores, Sales and Display Rooms and Shops; Banks and Financial Institutions; Eating and Drinking Establishments; Hotels and Motels;

Commercial Recreational Structures and Uses; Clinics and Laboratories;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – 75 feet.

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet.

Lot width – 75 feet.

Hospitals; Nursing Homes; Domiciliary Homes; Private Clubs; Mortuaries; Churches;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – 150 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 150 feet.

Offices and Studios; Personal Service Establishments; Vocational Schools:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – No minimum lot width.

WITHOUT WATER AND SEWER:

Lot area – 7,500 square feet required.

Lot width – 50 feet.

Mixed-use Residential and Commercial Development on a Single Lot:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – 100 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 150 feet.

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Public Schools:

Lot area – 5 acres.

Lot width – 300 feet.

Bona Fide Farms:

Exempt.

Single Family Residences, Modular Homes, and Class A, B, and C Manufactured Homes:

WITH WATER AND SEWER:

Lot area – 6, 000 square feet.

Lot width – 60 feet.

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet.

Lot width – 60 feet.

All Other Permitted Uses:

WITH WATER AND SEWER:

Lot area – 7,500 square feet.

Lot width – 150 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 150 feet.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yards).

Special Provisions and Restrictions:

Required front, rear, and side yards abutting streets may be used for parking shelters and lighting devices, provided that visibility across a required front yard or side yard abutting a street shall not be impeded between the heights of 3 feet and 8 feet, and provided further, no signs shall be permitted in any required yard. Where this District borders a Residential District, including across streets, walls shall be provided so that no lights from automotive or other sources on commercial premises shall shine into windows in the Residential District, and no rear or side service areas on commercial premises shall be visible from the ground within Residential Districts. No structure (excluding fences or walls) shall be erected nearer than six feet to any Residential District boundary.

Mixed Use Residential and Commercial Development on a Single Lot And All Uses Except Single Family Residences, Modular Homes, Class A, B, and C Manufactured Homes: Rev. 12/01/03

Front yards – 25 feet

Rear yards – 10 feet provided that in the case of reversed frontage lots, a 6 foot rear yard shall be left adjacent to the side lot line of adjoining property.

Side yards – 6 feet on sides of lots adjacent to streets, 25 feet.

Single family residences, modular homes, Class A, B, and C Manufactured Homes:

Front yards – 25 feet

Rear yards – 6 feet.

Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yards shall be 5 feet; street side yard on a corner lot 12 feet.

Section 4.8. C-M Commercial-Manufacturing.

(A) Description: Intent.

Land uses over which this District is to be applied require close access to major highways.

Lands in this District are for uses including those which are necessary in order to service commercial and heavier industrial Districts, such as warehousing, storage, moving, service and repair, distribution, wholesaling, marketing of specialty goods and light manufacturing plants.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Agri-Business.
- (2) Agricultural Industry.
- (3) Arboretums/Botanical Garden.
- (4) Audio, Video Production and Distribution Facilities.
- (5) Bona Fide Farms.
- (6) Churches.
- (7) Commercial Recreation Facilities.
- (8) Freight Handling Facilities.
- (9) Garage Service and/or Automobile Repair.
- (10) Government Office and Buildings.
- (11) Hospitals.
- (12) Hotels and motels.
- (13) Light Manufacturing Uses.
- (14) Manufactured and Modular Home Sales Lots.
 - (a) On site sales office must be in operation at such time as homes are placed on the sales lot.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.

- (d) Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
 - (e) Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - (f) The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".
- (15) Mini storage, RV/Camper and Boat Storage Facilities.
- (16) Outdoor Advertising Structures.
- (17) Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals.
 - (a) The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) The merchandise shall not be located in any required yard.
 - (d) The area displaying the merchandise must be screened or buffered from any adjoining residential use or zone.
 - (e) Permanent display shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
- (18) Parking Garage/Commercial Parking Lot.
- (19) Planing Mills.
- (20) Public parks, Playgrounds, Playfields and Community Centers.
- (21) Public and Semi-public Facilities.
- (22) Repair, remodeling, and renovating of farm vehicles and equipment.
- (23) Research Facilities.
- (24) Restaurants.
- (25) Sawmills.

- (26) Transportation Facilities.
 - (27) Vehicle and Heavy Equipment Sales and Rentals.
 - (a) Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (28) Veterinary Establishments.
 - (29) Warehousing and Storage.
 - (30) Wholesale Sales and Services.
- (C) Permitted Accessory Uses And Structures.
- (1) Family Care Homes.
 - (2) One on-premise attached or detached dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use. The accessory uses must adhere to the following requirements:
 - (a) The dwelling unit shall be occupied solely by the person engaged in the principal use (owner, lessor, manager, watchman, or custodian), or their family members residing with them;
 - (b) The building shall meet the minimum setback requirements of the C-M Zone;
 - (c) The amount of floor area for the attached dwelling unit shall be not more than twenty-five percent (25%) of the total floor area of the principal use.
 - (d) The attached dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial manufacturing frontage;
 - (e) In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the dwelling unit.
 - (3) Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.

- (4) Temporary structures and operations in connection with, and on the site of, construction and land preparation activities; provided a Certificate of Occupancy shall have been issued therefor.
- (5) Uses and structures which are customarily accessory to and clearly incidental to permitted and permissible uses and structures, and are not of a nature prohibited under "Prohibited Uses and Structures".

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Educational Facilities.
- (2) Family Care Homes.
- (3) Financial Institutions.
- (4) Home Occupations.
- (5) Junkyard, with the following minimum requirements:

(a) **Fencing.**

- (i) Location. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

- (a) Within Fifty Feet (50') of Right-of Way. An eight foot (8') solid fence is required if located within fifty feet (50') of the right-of-way boundary; or,
- (b) Outside Fifty Feet (50') from Right-of-Way. A six foot (6') high solid fence is required if located fifty feet (50') or more from the right-of-way boundary.

- (ii) Conditions. Such fencing shall meet the following conditions:

- (a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

- (b) Maintenance. All fences shall be maintained in sound condition at all times; and,
 - (c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.
- (b) **Open Burning.** Open burning is prohibited.
- (c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.
- (d) **General Requirements.**
 - (i) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
 - (ii) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
 - (iii) Stock piling of tires and batteries is prohibited.
 - (iv) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
 - (v) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
 - (vi) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
 - (vii) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
 - (viii) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no

materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.

- (ix) Access shall be provided by paved road to the lot.
- (6) Mining Operations, Class I.
- (7) Mining Operations, Class II.
- (8) Sewer and Wastewater Treatment Plants and Facilities.
- (9) Single family residence, modular dwellings, and Class A, B, and C manufactured dwellings, with the following minimal requirements:
 - (a) Dwellings units and customary accessory buildings may be constructed only on lots platted and recorded prior to January 1, 1994.
 - (b) Dwelling units and accessory structures must meet setback requirements as follows:

On lots of record of more than sixty feet (60') in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 7½ feet.

Accessory Structure:

Front yard – 25 feet.
Rear yard – 10 feet.
Side yard – 7½ feet.

On lots of record of sixty feet (60') or less in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 6 feet.

Accessory Structure:

Front yard – 25 feet.

Rear yard – 10 feet.

Side yard – 6 feet.

- (c) Residential structure must meet all other residential requirements of the Commercial Manufacturing Zone.
- (d) All residential uses shall be a minimum of one hundred feet (100') from any industrial or manufacturing structure.
- (e) Residential structure shall be in full compliance with N.C. Building Code and N.C. Administrative Code regarding potable water and sewer service.

(10) Transmission Towers.

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

- (1) Planned Groups of Structures.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Class D Manufactured dwellings.
- (3) Residential facilities including any form of overnight accommodation other than as shown under permitted, accessory, or permissible uses and structures.

(G) Minimum Lot Requirements (Area And Width).

For each principal use or structure whether such use or structure is singular on a site or part of a planned development, when there is in place both a public or community water system and a public or community sewer system.

Lot area – 10,000 sq. ft.

Lot width – 100 feet.

When either such system is lacking:

Lot Area – 20,000 square feet.

Lot Width – 200 feet.

Bona Fide Farms:

Exempt.

Churches:

Lot area – 1 acre

Lot width – 200 feet

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

All yards shall be enclosed by solid walls whenever the abutting land is in a residential or C-LD District.

For All Uses:

Front Yard – 50 feet

Rear Yard – 50 feet

Side Yard – 10 feet

Churches:

Front yards – 25 feet

Rear yards – 25 feet

Side yards – 10 feet

Section 4.9. H-M Heavy Manufacturing.

(A) Intent.

To provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. On any application where in the opinion of the Zoning Administrator one or more of the Performance Standards in Article 5, Section 5 of this ordinance would appear not capable of being met as filed, or where the Brunswick County Coastal Area Management Act Land Use Plan identification of hazardous or fragile areas show such features in close proximity to the land in question in the application, or where other natural and man-made environmental impacts are anticipated, the Zoning Administrator shall withhold action on the application and present it on the Agenda of the regular monthly meeting of the Planning Board for a determination of whether additional information will have to be filed for review and the nature and detail expected in such information, within worst possible most extreme case the requirement of preparation and filing for approval of an Environmental Impact Statement to national standards and requirements, with resultant amended application upon the basis of such study(ies).

Lands shown by the comprehensive plan for such use will be the only ones where this District will be applied.

Land in this District are to bear close association with Major Thoroughfares as identified in the Major Thoroughfare Plan, to rail service, and to in-place infrastructure such as water and natural gas.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Agri-Business.
- (2) Agricultural Industry.
- (3) Arboretums/Botanical Garden.
- (4) Audio, Video Production and Distribution Facilities.
- (5) Bona Fide Farms.
- (6) Churches.
- (7) Commercial Boating Facilities.
- (8) Commercial Recreation Facilities.
- (9) Freight Handling Facilities.
- (10) Garage Service and/or Automobile Repair.

- (11) Government Offices and Buildings.
- (12) Heavy manufacturing other than as shown Permissible by the Board of Adjustment, and other than shown under Sub-section F, Prohibited Uses and Structures.
- (13) Light Manufacturing.
- (14) Outdoor Advertising Structures.
- (15) Public parks, Playgrounds, Playfields and Community Centers.
- (16) Public and Semi-public Facilities.
- (17) Repair, remodeling, and renovating of farm vehicles and equipment.
- (18) Transportation Facilities.
- (19) Warehousing and Storage.
- (20) Wholesale Sales and Services.

(C) Permitted Accessory Uses And Structures.

- (1) Family Care Homes.
- (2) Single Family Dwellings including Modular Dwellings.
- (3) Temporary structures and operations in connection with, and on the site of, construction and land preparation activities; provided a Certificate of Occupancy shall have been issued therefor.
 - (f) Up to three (3) video gaming machines.
 - (g) Uses and structures which are customarily accessory to and clearly incidental to permitted and permissible uses and structures, and are not of a nature prohibited under "Prohibited Uses and Structures".

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult & Sexually Oriented Businesses.
- (2) Airports.
- (3) Educational Facilities.
- (4) Energy Generating Facilities.

(5) Energy Generating Facilities, which use bona fide farm products or plants.

(6) Family Care Homes.

(7) Home Occupations.

(8) Junkyards, with the following minimum requirements:

(a) **Fencing.**

(i) Location. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

(a) Within Fifty Feet (50') of Right-of Way. An eight foot (8') solid fence is required if located within fifty feet (50') of the right-of-way boundary; or,

(b) Outside fifty feet (50') from Right-of-Way. A six foot (6') high solid fence is required if located fifty feet (50') or more from the right-of-way boundary.

(ii) Conditions. Such fencing shall meet the following conditions:

(a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

(b) Maintenance. All fences shall be maintained in sound condition at all times; and,

(c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.

(b) **Open Burning.** Open burning is prohibited.

(c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

(d) **General Requirements.**

- (i) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
- (ii) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- (iii) Stock piling of tires and batteries is prohibited.
- (iv) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
- (v) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- (vi) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
- (vii) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
- (viii) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.
- (ix) Access shall be provided by paved road to the lot.

(9) Mining Operations, Class I.

(10) Mining Operations, Class II.

(11) Private Clubs.

- (12) Racetracks (i.e., dog race, horse race, go-cart, mud bogs and motorized vehicles).
- (13) Restaurants.
- (14) Sewer and Wastewater Treatment Plants and Facilities.
- (15) Single Family Dwellings, Modular Dwellings, and Class A, B, and C Manufactured Dwellings, with the following minimal requirements:
 - (a) Dwellings units and customary accessory buildings may be constructed only on lots platted and recorded prior to January 1, 1994.
 - (b) Dwelling units and accessory structures must meet setback requirements as follows:

On lots of record of more than sixty feet (60') in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 7½ feet.

Accessory Structure:

Front yard – 25 feet.
Rear yard – 10 feet.
Side yard – 7½ feet.

On lots of record of sixty feet (60') or less in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 6 feet.

Accessory Structure:

Front yard – 25 feet.
Rear yard – 10 feet.
Side yard – 6 feet.

- (c) All residential uses shall be a minimum of one hundred feet (100') from any industrial or manufacturing structure.
 - (d) Residential structure shall be in full compliance with N.C. Building Code and N.C. Administrative Code regarding potable water and sewer service.
- (16) Transmission Towers.
- (17) Wood Waste Grinding Operations with the following minimum requirements:
 - (a) The minimum lot size shall be ten (10) acres.
 - (b) Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.
 - (c) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
 - (d) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
 - (e) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.

- (f) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
- (g) Buffering and landscaping requirements shall be in accordance with Article 6 Section 6.3 Buffering and Landscaping Requirements for Berms and for Yards in which Buffers are Required.
- (h) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev. 06/02/03

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

Landfills, which are facilities for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130, Article 9 of the North Carolina General Statutes, including Construction and Demolition Landfills. This section includes, but is not limited to, Subtitle D Landfills as defined by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). For the purpose of this ordinance, this term does not include composting facilities.

- (1) Construction & Demolition (C&D) Landfill, with the following minimum requirements:
 - (a) **Fencing.**

- (i) Types. All business activity, including storage and processing of construction, demolition, and other waste(s) shall be conducted within a fenced area along the entire perimeter of the lot, except for the point of ingress and egress which shall not be more than fifty feet (50') in width. The following types of fencing shall be constructed and maintained along the entire perimeter of the site:
 - (a) An opaque fence or wall along the entire perimeter of the lot for which a gate of solid material shall be provided and closed during non-operating hours. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.
 - (b) An opaque fence or wall with similar gate with the view on all sides screened by natural objects, grassed earthen berms, or heavy tree and shrubbery plantings. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.
- (ii) Height.
 - (a) Within Fifty Feet (50') of Right-of-Way. All fencing must be eight feet (8') in height if located within fifty feet (50') of the Right-of-Way boundary.
 - (b) Outside Fifty Feet (50') of Right-of-Way. All fencing must be six feet (6') in height if located fifty feet (50') or more from the Right-of-Way boundary.
- (iii) Conditions. Such fencing shall meet the following conditions:
 - (a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color. The following types of fences are permitted: wire-mesh with vegetative buffering, ornamental iron with vegetative buffering, masonry, stone walls, or wood.
 - (b) Maintenance. All fences shall be maintained in sound condition at all times.
 - (c) (Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the

operation carried on within the enclosure and/or rules for entry.

- (b) **Buffer Area.** A buffer area of a strip of land with natural or planted vegetation of at least fifty feet (50') around all sides of the landfill. The standard buffer area may be increased where it is necessary to fulfill the purposes of buffering. An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet (6') and provide approximately seventy-five percent (75%) opacity within one year of planting. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The berm shall be constructed of compacted earth.
- (c) **Open Burning.** Open burning is prohibited.
- (d) **Hazardous Materials.** Any hazardous materials spilled or collected on the site shall be contained and disposed of in accordance with State and Federal laws. Operators of a C&D Landfill shall have a designated area for the collection of hazardous materials.
- (e) **General Requirements.**
 - (i) Applicants shall follow all procedural requirements for operating a C&D Landfill.
 - (a) Preliminary Site Plan.
 - (1) Preliminary Site Plan shall first be reviewed by Planning Department staff and the Technical Review Committee.
 - (2) Applicant shall include supplementary information including a plan for reclamation/restoration of the site and provide some guarantee of funding to finance the restoration.
 - (3) The proposed Preliminary Site Plan shall be presented to the Planning Board for a public hearing. The Planning Board shall approve, disapprove, or table the Preliminary Site Plan. The Planning Board also has the option of approving the Preliminary Site Plan with conditions.
 - (b) Final Site Development Plan

- (1) Final Site Development Plan shall be in accordance with Planning Board approval including any conditions of the Planning Board's Special Exception.
 - (2) Guarantees of funding can include a Surety Performance Bond, a Nonrevocable Letter of Credit, or a combination of both, in the amount of 125% of the estimated cost of reclamation/restoration of the site after closure. Guarantees of funding shall be provided at the time the Final Site Development Plan is submitted and following Planning Board approval of the Preliminary Site Plan.
- (ii) Site Development Plans shall be done at a scale that is able to adequately include the following:
 - (a) Proposed access to the landfill including its location on the site, intersection with a State-maintained road, sight distances, and construction and maintenance standards.
 - (b) Phasing Plan, if applicable.
 - (c) Views from thoroughfares, residences, and other buildings shall be illustrated through graphics showing topographic sections in the affected areas and through photographs.
 - (d) Proposed screening, where it is required in initial or subsequent phases, shall be shown, and the plan shall describe how these requirements shall be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications.
 - (e) Buffer areas shall be indicated on the site development plans.
 - (f) Location of utilities, accessory buildings, and storage areas.
 - (g) Sedimentation and erosion control, stormwater plan, and final stabilization plans.
 - (h) Proposed parking, loading, and landscaping.
 - (i) Lighting (must be internally oriented).

- (j) Building information (dimensions and location of property).
 - (k) Nearest fire hydrant, drainage, and size/location of water and/or sewer line(s).
 - (l) Existing topography/proposed topography.
 - (m) Site information, lot lines, and dimensions including total acreage.
 - (n) Designated area for collection of recyclable materials.
 - (o) Designated area for collection of hazardous materials.
- (iii) Any person operating a C&D Landfill site in Brunswick County shall maintain and operate the site in conformance with North Carolina State application and operational requirements.
 - (iv) Operators of a C&D Landfill shall recycle and promote recycling to the greatest extent possible.
 - (v) C&D Landfills shall be located where all roads that provide access are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be accessing the landfill. Landfill traffic to and from such intersection shall not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.
 - (vi) C&D Landfills may be located in the H-M (Heavy Manufacturing) and RU-I (Rural Industrial) districts if the applicant can demonstrate through information and plans submitted during the process that there will be no adverse effect(s) from the landfill on public water supplies.
 - (vii) A Construction and Demolition (C&D) Landfill shall not be placed within one thousand feet (1000') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for cueing of vehicles.
 - (viii) Weeds and vegetation, excluding any buffer areas, shall be kept at a height not to exceed twelve inches (12").
 - (ix) Roads providing access to C&D Landfills shall be maintained so as to preserve aesthetic appearance. Litter and garbage shall be collected by the C&D Landfill operator in a routine manner to

- reduce roadside trash. Litter and garbage shall be collected ½ mile from any point of access.
- (x) Any person(s) or business(es) operating a C&D Landfill in Brunswick County shall be required to obtain a franchise agreement with the Brunswick County Board of Commissioners.
 - (xi) Regulations for operations shall be clearly posted at all entrances to the landfill.
- (f) Wood Waste Grinding Operations shall have the following minimum requirements as an accessory use to a C&D Landfill:
- (1) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
 - (2) As an accessory use to a C&D Landfill, Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.
 - (3) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings locating on adjoining properties.
 - (4) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.

- (5) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
- (6) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev.06/02/03

- (2) Planned Groups of Structures.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Class D Manufactured dwellings.
- (3) Residential facilities including any form of overnight accommodation other than as shown under permitted, accessory or permissible uses and structures.
- (4) The following types of heavy manufacturing are prohibited in this Zoning District:
 - (a) Wholesale Trade
 - (i) Animal and animal products.
 - (ii) Major demolition debris landfill.

(b) Manufacturing

- (i) Animal slaughtering and rendering.
- (ii) Animal fats and oils.
- (iii) Tanning involving leather and leather products.

(G) Minimum Lot Requirements (Area And Width).

For each principal use or structure whether such use or structure is singular on a site or part of a planned development:

Lot area – One acre.

Lot width – 200 feet

Bona Fide Farms:

Exempt.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard)

For All Uses:

Front Yard – 50 feet.

Rear Yard – 50 feet.

Side Yard – 10 feet.

Section 4.10. RU-I; Rural – Industrial.

(A) Description: Intent.

This District is intended to accommodate uses on lands which do not have a recent history of being productive agricultural, or farm lands. Also, this District is intended to be applied only on lands not shown to be permitted to become urban or suburban by the Land Use Plan, and which are not wetlands or environmentally sensitive lands.

In our society, there is need for use of lands for such uses as agricultural industry, as repositories for waste products whose composition and features require they be removed from other Zoning Districts, and for uses of open air or extensive rather than intensive character such as chemical extraction or energy generation from crops or woods or the wastes of same, or conversion of crops, woods, and animals to various products of use to society, and need for use of land for such features as animal slaughtering and processing operations and even incineration of animal remains.

This District is intended to provide such areas in an extremely limited manner sufficient only to meet proven needs for such generally adverse uses. This District will be applied only on a site specific determination for one or more of the permitted principal uses and structures, or permissible principal uses and structures, shown herein, by specific study and evaluation with it being the declared intent of Brunswick County that the applicant for land to be placed in this District shall pay the full costs of such study and evaluation, whatever the end results. Those soil types found in Brunswick County, dependent also on many other factors, which may possibly be found acceptable for inclusion in the zoning District include Baymeade, Baymeade-Marvyn group, Foreston, Goldsboro, Kureb, Newhan, Norfolk, Wando and Bragg. This study is to meet all requirements and guidelines current at the time it commences for preparation of an Environmental Impact Statement under federal law. It is not to commence until all details surrounding such E.I.S. have been worked out with the Zoning Administrator and reported to and acknowledged by the Planning Board and the Board of County Commissioners, as initiation of the E.I.S. process.

Such land uses require restriction of other uses such as residential, institutional, commercial, and manufacturing where there are concentrations of persons likely at any given time. The Sunny Point Military Ocean Terminal's buffer zone is an illustration of how man would be expected to be limited in accessibility or closeness to uses in this District.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Above and below ground storage operations, when permitted under state and federal laws, and subject to all stipulations over any such permissions.

- (2) Agricultural Industry excepting as shown under Special Exceptions by the Zoning Board of Adjustment.
- (3) Any State or Federal land use activity of non-residential nature and having more of an automated operational nature than human operational nature.
- (4) Chemical extraction from Bona Fide Farm operations and from aquatic plants when production/harvesting of same is permitted by state and federal laws.
- (5) Conversion of Bona Fide Farm products to materials or products of use to society, where the activity is highly automated and non-labor intensive.
- (6) Energy generation facilities when process uses products of Bona Fide Farms and aquatic plants as above.
- (7) Extraction and refinement of mined products.
- (8) Heavy Manufacturing, including but not limited to:
 - (a) Wholesale Trade.
 - (i) Animal and animal products.
 - (ii) Construction and Demolition (C&D) Landfill.
 - (a) **Fencing.**
 - (i) Types. All business activity, including storage and processing of construction, demolition, and other waste(s) shall be conducted within a fenced area along the entire perimeter of the lot, except for the point of ingress and egress which shall not be more than fifty feet (50') in width. The following types of fencing shall be constructed and maintained along the entire perimeter of the site:
 - (a) An opaque fence or wall along the entire perimeter of the lot for which a gate of solid material shall be provided and closed during non-operating hours. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.
 - (b) An opaque fence or wall with similar gate with the view on all sides screened by natural objects, grassed earthen berms, or heavy tree and

shrubby plantings. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.

(ii) Height.

(a) Within Fifty Feet (50') of Right-of-Way. All fencing must be eight feet (8') in height if located within fifty feet (50') of the Right-of-Way boundary.

(b) (Outside Fifty Feet (50') of Right-of-Way. All fencing must be six feet (6') in height if located fifty feet (50') or more from the Right-of-Way boundary.

(iii) Conditions. Such fencing shall meet the following conditions:

(a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color. The following types of fences are permitted: wire-mesh with vegetative buffering, ornamental iron with vegetative buffering, masonry, stone walls, or wood.

(b) Maintenance. All fences shall be maintained in sound condition at all times.

(c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure and/or rules for entry.

(b) **Buffer Area.** A buffer area of a strip of land with natural or planted vegetation of at least fifty feet (50') around all sides of the landfill. The standard buffer area may be increased where it is necessary to fulfill the purposes of buffering. An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet (6') and provide approximately seventy-five percent (75%) opacity within one year of planting. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The berm shall be constructed of compacted earth.

(c) **Open Burning.** Open burning is prohibited.

- (d) **Hazardous Materials.** Any hazardous materials spilled or collected on the site shall be contained and disposed of in accordance with State and Federal laws. Operators of a C&D Landfill shall have a designated area for the collection of hazardous materials.
- (e) **General Requirements.**
 - (i) Applicants shall follow all procedural requirements for operating a C&D Landfill.
 - (a) Preliminary Site Plan.
 - (1) Preliminary Site Plan shall first be reviewed by Planning Department staff and the Technical Review Committee.
 - (2) Applicant shall include supplementary information including a plan for reclamation/restoration of the site and provide some guarantee of funding to finance the restoration.
 - (3) The proposed Preliminary Site Plan shall be presented to the Planning Board for a public hearing. The Planning Board shall approve, disapprove, or table the Preliminary Site Plan. The Planning Board also has the option of approving the Preliminary Site Plan with conditions.
 - (b) Final Site Development Plan
 - (1) Final Site Development Plan shall be in accordance with Planning Board approval including any conditions of the Planning Board's Special Exception.
 - (2) Guarantees of funding can include

Surety Performance Bond, a Nonrevocable Letter of Credit, or a combination of both, in the amount of 125% of the estimated cost of reclamation/restoration of the site after closure. Guarantees of funding shall be provided at the time the Final Site Development Plan is submitted and following Planning Board approval of the Preliminary Site Plan.

- (ii) Site Development Plans shall be done at a scale that is able to adequately include the following:
 - (a) Proposed access to the landfill including its location on the site, intersection with a State-maintained road, sight distances, and construction and maintenance standards.
 - (b) Phasing Plan, if applicable.
 - (c) Views from thoroughfares, residences, and other buildings shall be illustrated through graphics showing topographic sections in the affected areas and through photographs.
 - (d) Proposed screening, where it is required in initial or subsequent phases, shall be shown, and the plan shall describe how these requirements shall be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications.
 - (e) Buffer areas shall be indicated on the site Development plans.
 - (f) Location of utilities, accessory buildings, and storage areas.
 - (g) Sedimentation and erosion control, stormwater plan, and final stabilization plans.

- (h) Proposed parking, loading, and landscaping.
 - (i) Lighting (must be internally oriented).
 - (j) Building information (dimensions and location of property).
 - (k) Nearest fire hydrant, drainage, and size/location of water and/or sewer line(s).
 - (l) Existing topography/proposed topography.
 - (m) Site information, lot lines, and dimensions including total acreage.
 - (n) Designated area for collection of recyclable materials.
 - (o) Designated area for collection of hazardous materials.
- (iii) Any person operating a C&D Landfill site in Brunswick County shall maintain and operate the site in conformance with North Carolina State application and operational requirements.
 - (iv) Operators of a C&D Landfill shall recycle and promote recycling to the greatest extent possible.
 - (v) C&D Landfills shall be located where all roads that provide access are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be accessing the landfill. Landfill traffic to and from such intersection shall not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.
 - (vi) C&D Landfills may be located in the H-M (Heavy Manufacturing) and RU-I (Rural Industrial) districts if the applicant can demonstrate through information and plans submitted during the process that there will be no adverse effect(s) from the landfill on public water supplies.

- (vii) A C&D Landfill shall not be placed within one thousand feet (1000') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for cueing of vehicles.
 - (viii) Weeds and vegetation, excluding any buffer areas, shall be kept at a height not to exceed twelve inches (12").
 - (ix) Roads providing access to C&D Landfills shall be maintained so as to preserve aesthetic appearance. Litter and garbage shall be collected by the C&D Landfill operator in a routine manner to reduce roadside trash. Litter and garbage shall be collected ½ mile from any point of access.
 - (x) Any person(s) or business(es) operating a C&D Landfill in Brunswick County shall be required to obtain a franchise agreement with the Brunswick County Board of Commissioners.
 - (xi) Regulations for operations shall be clearly posted at all entrances to the landfill.
- (f) Wood Waste Grinding Operations shall have the following minimum requirements as an accessory use to a C&D Landfill:
- (1) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
 - (2) As an accessory use to a C&D Landfill, Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.
 - (3) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away

from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings locating on adjoining properties.

- (4) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.
- (5) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the

assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.

- (6) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev. 06/02/03

(b) Manufacturing.

- (i) Animal slaughtering and rendering.
- (ii) Animal fats and oils.
- (iii) Tanning involving leather and leather products.

- (9) Storage and warehousing facilities for all above uses plus those which may be permitted by the Board of Adjustment.

(10) Quarrying.

(C) Permitted Accessory Uses And Structures.

Temporary structures and operations in connection with, and on the site of construction and land preparation developments, including dredging, filling, grading, paving, installation of utilities, construction or erection of field offices, and structures for storage of equipment and building materials, all provided a Certificate of Occupancy is issued therefor.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

None.

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

None.

(F) Prohibited Uses And Structures.

Any form of residency or sleeping facility excepting one caretaker or guard or fireman housing unit is permitted, if the occupant thereof can be shown by the plans for such facility to be sufficiently protected from any adverse affects the principal use might generate or emit.

(G) Minimum Lot Requirements (Area And Width).

Lot area – 100 acres

Lot width – 2,500 feet

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

All yards shall be enclosed by solid walls whenever the abutting land is in a residential or commercial Zoning District.

Minimum yard setback for any activity on a site is 500 feet excepting when abutting land in an industrial Zoning District the minimum yard setback is 250 feet.

Section 4.11. Neighborhood Commercial District.

(A) Intent.

The NC Neighborhood Commercial District is primarily intended to accommodate very low intensity office, retail and personal services uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupting the character of the neighborhood.

It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

In addition, uses in the NC District have minimal infrastructure demands and are oriented toward the needs of the rural and agricultural community.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Chapter.

- (1) Adult Day Care/Health Services. Rev. 12/01/03
- (2) Arboretums/Botanical Garden
- (3) Bed and Breakfast Houses.
- (4) Bona Fide Farms.
- (5) Churches.
- (6) Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.
- (7) Day Care Facilities.
- (8) Duplexes.
- (9) Educational Facilities.
- (10) Family Care Homes.
- (11) Financial Institutions.
- (12) Golf Courses.
- (13) Golf Driving Ranges.
- (14) Government Offices and Buildings.
- (15) Landscaping and Horticultural Services.

- (16) Nurseries.
- (17) Nursing Home Facilities.
- (18) Performing Arts Studios.
- (19) Personal Service Establishments.
- (20) Private Clubs.
- (21) Professional Offices/Studios.
- (22) Public and Semi-public Facilities.
- (23) Public parks, Playgrounds, Playfields and Community Centers.
- (24) Restaurants.
- (25) Retail sale of produce grown on premises.
- (26) Retail sales less than or equal to 10,000 square feet.
- (27) Single Family Dwellings and Class A, B and C Manufactured Dwellings.
- (28) Veterinary Establishments.

(C) Permitted Accessory Uses And Structures.

- (1) Home Occupations.
- (2) Uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and are not of a nature prohibited under "Prohibited Uses and Structures", provided that no more than one on-premise dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use, shall be permitted.
- (3) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued therefor.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Cemeteries.

- (2) Commercial Recreation Facilities.
- (3) Emergency Shelter, with the following minimum requirements: Rev. 10/04/04
 - (a) Location Consideration.
 - (ii) Shall be no closer than one-half (1/2) mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
 - (b) Shelter Management.
 - (i) Temporary shelter shall be available to residents for no more than six (6) months.
 - (ii) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (iii) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.
 - (iv) Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):
 - (a) Food service.
 - (b) Job counseling.
 - (c) Alcohol and drug addiction screening and counseling.
 - (d) Domestic abuse counseling.
 - (e) Health Care.
 - (f) Mental Health Care.
 - (g) Case Management.
 - (h) Transportation
 - (i) Safety Plan.
 - (c) Development Standards.
 - (i) Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Childcare facilities.

- (e) Other support services.
 - (ii) Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 - (iii) External Lighting. Any lighting shall be internally oriented and shall not exceed forty feet (40') in height in commercially zoned areas and thirty feet (30') in height in residentially zoned areas.
 - (iv) Recreational Areas. Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.
 - (v) Outdoor Activity. For the proposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 - (vi) Unit Density. Minimum of two hundred (200) gross square feet per person.
 - (vii) Hours of Operation. Emergency shelters shall remain open 24 hours per day.
 - (viii) Separation of Clients. Emergency shelters shall provide for separation of families from individuals and special needs clients.
 - (ix) Buffering. Buffering shall be consistent with the requirements outlined in Section 6.3. of the Brunswick County Zoning Ordinance. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.
 - (x) Off-Street Parking. Off-street parking shall be in accordance with Article 5 Section 5 Off-Street Parking and Loading Spaces.
- (4) Funeral Homes.
- (5) Garage Service and/or Automobile Repair provided that all above uses are conducted within enclosed buildings; all storage areas of parts and materials are enclosed, and all waiting and ready cars are located on the premises. Car wash and polishing, providing such structure, unless completely enclosed, provides a minimum interior side yard of 20 feet and a rear yard of 20 feet, preferably including heavy planting screen around the perimeter where practicable. In addition, all entrances and exits for above uses shall be approved by the N.C. Department of Transportation, all provided that no such facility shall be permitted on a lot with a width of less than 100 feet or an area of less than 10,000 square feet.
- (6) Group Care Homes.
- (7) Kennel.

- (8) Martial Arts Instructional Schools.
- (9) Private organizations operating as nude campgrounds, colonies, resorts or similar facilities, with the following minimum requirements:
 - (a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
 - (b) Must operate as private organization with no access by the general public. Only members or guests of members may be permitted on site.
 - (c) Must provide adequate visual and noise screening and/or buffering.
 - (d) No part of any facility or structure shall be:
 - (i) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (ii) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (iii) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (iv) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (v) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (vi) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (10) Repair, remodeling, and renovating of farm vehicles and equipment.
- (11) Retail sales more than 10,000 square feet.
- (12) Sewer and Wastewater Treatment Plants and Facilities.
- (E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

 - (1) Campgrounds.

- (2) Manufactured Home Parks.
- (3) Mixed Use Development with both Commercial and Residential Uses in the same structure.
 - (a) Residential use in conjunction with Personal Service Establishments, Professional Offices/Studios, Performing Arts Studios or Retail Sales less than 10,000 square feet only.
 - (b) Residential use located above ground only.
 - (c) Ingress and egress provided from the ground level.
 - (d) No on-premise licensing for alcoholic beverages.
 - (e) Parking will be based on both residential and commercial development design standards.
 - (f) Meet commercial and applicable buffering requirements. Rev. 12/01/03
- (4) Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots as long as the overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 7,500 square feet of land when public or community water and sewer service is available, or 15,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible. The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space. In no case shall any structure or pavement or sign be located closer than twenty-five feet (25') to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgement as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Truck terminals; storage warehouses and storage yards.

(G) Minimum Lot Requirements (Area And Width).

Retail Stores, Sales and Display Rooms and Shops; Banks and Financial Institutions; Restaurants; Hotels and Motels:

Commercial Recreational Structures and Uses; Clinics and Laboratories:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.
Lot width – 75 feet.

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet.
Lot width – 75 feet.

Hospitals; Nursing Homes; Domiciliary Homes; Fraternal Clubs and lodges; Mortuaries; Churches:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.
Lot width – 150 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.
Lot width – 150 feet.

Offices and Studios; Personal Service Establishments; Vocational Schools:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.
Lot width – No minimum lot width.

WITHOUT WATER AND SEWER:

Lot area – 7,500 square feet required.
Lot width – 50 feet.

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Residential Use:

WITH WATER AND SEWER:

Per Dwelling Unit:

Lot area – 7,500 square feet.

Lot width – 75 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 75 feet.

Bona Fide Farms:

Exempt.

Mixed-use Residential and Commercial Development on a Single Lot:

Lot area – No minimum square footage required.

Lot width – 100 feet.

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All other permitted or permissible uses:

Lot area – 15,000 square feet.

Lot width – 150 feet.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yards).

All Commercial Uses:

Mixed-use Residential and Commercial Development on a Single Lot And

Rev. 12/01/03

Front yards – 25 feet

Rear yards – 10 feet provided that in the case of reversed frontage lots, a 6 foot rear yard shall be left adjacent to the side lot line of adjoining property.

Side yards – 6 feet on sides of lots adjacent to streets, 25 feet.

Residential Use:

Front yard – 25 feet

Rear yard – 25 feet

Side yard – 10 feet

Section 4.12. MI – Military Installation.

(A) Description: Intent.

The purpose of the Military Installation District (MI) is to recognize the location of major single use and multiple use military facilities in Brunswick County.

While federal government areas are not subject to local zoning and other codes, they occupy large land areas in the County. These areas therefore are identified on the zoning map as a Special Purpose District to differentiate them from other areas that are covered by the regulations in this ordinance.

The main objective of this District is to identify specific resources not otherwise identified where protection can be considered in the public's interest; identify interests relating to land use planning that impact County policy on industry, the environment and residential land uses in general; minimize substantial development impacts of these facilities; and develop a coordinated, planning/zoning process to include all federal entities.

(B) Permitted Principal Uses And Structures.

The uses specified as permitted uses include any uses authorized by and located in Military Installations of the U.S. Government.

Development Coordination Encouraged:

In areas of MI Districts not affected by military security in areas where commercial, residential, or mixed use developments are proposed, and in areas where joint public/private development may be explored, the federal government and Brunswick County is encouraged to establish a coordinated planning process to achieve both federal and local benefits, to minimize development impacts, and to help meet the objectives and policies of the Land Use Plan of Brunswick County.

Part B. Special Entertainment Uses.

Section 4.13. Adult & Sexually Oriented Businesses.

(A) Authority.

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, Article 18 of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

(B) Intent.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a

deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Brunswick County, this article is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

(C) Abrogation.

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Brunswick County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(D) Definitions.

For the purpose of these regulations, the following definitions shall apply:

(1) Adult Arcade.

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

(2) Adult Bookstore.

An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(3) Adult Business.

An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

(4) Adult Motion Picture Theater.

An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(5) Adult Theater.

A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

(6) Massage.

Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(7) Massage Business.

Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

(8) Sexually Oriented Business.

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.

(9) Specified Anatomical Areas.

Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

(10) Specified Sexual Activities.

Specified sexual activities shall be defined as:

- (a) Human genitals in a state of stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, sodomy; or
- (c) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

(11) Total Retail Space.

Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

(E) Application Of Regulations.

Adult and sexually oriented businesses shall be regulated as to location in the following manner in addition to any other requirements of this code:

- (1) No adult or sexually oriented business shall be permitted in any building:
 - (a) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (b) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (c) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (d) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (e) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (f) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (2) No more than one (1) adult or sexually oriented business establishment shall be located in the same building or structure or on the same lot.

- (3) Adult and sexually oriented businesses shall be located only in a H-M (Heavy Manufacturing) Zoning District and shall be established by Special Exception approval of the Board of Adjustment.
- (4) Except for signs as permitted in Section 5.21, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.
- (5) All minimum lot requirements of the H-M Zoning District shall be met.

(F) Nonconforming Adult Business And Sexually Oriented Businesses:

Any adult business or sexually oriented business lawfully operating as of the effective date of this ordinance that is in violation of any provision of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished. If two (2) or more adult businesses or sexually oriented adult businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

(G) Severability.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this article is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4.13A. Video Gaming Machines.

(A) Authority.

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 14, Article 37, §14-306.1(c) of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

(B) Intent.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Brunswick County, this article is adopted by the Board of Commissioners to regulate video gaming machines, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

(C) Abrogation.

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Brunswick County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(D) Definitions.

For the purpose of these regulations, the following definitions shall apply:

(1) Video Gaming Machine:

As defined in Section 14-306.1 (c) of the North Carolina General Statutes.

(E) Application of Regulations.

Video gaming machines shall be regulated as to location in the following manner in addition to any other requirements of this code:

(1) No video gaming machine shall be permitted in any building:

- (a) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
- (b) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.

- (c) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (d) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (e) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (f) located within fifteen hundred feet (1,500') in any direction of any publicly owned or operated facility.
 - (g) located within fifteen hundred feet (1,500') in any direction from a building in which a video gaming machine is located.
- (2) No more than three (3) video gaming machines shall be located in the same building or structure or on the same lot.
- (3) Video gaming machines shall be located only in a H-M (Heavy Manufacturing) Zoning District as a permitted accessory use and shall be established by Special Exception approval of the Board of Adjustment.
- (4) All minimum lot requirements of the H-M Zoning District shall be met.

(F) Nonconforming Video Gaming Machines:

Any video gaming machine lawfully operating as of the effective date of this ordinance that is in violation of any provision of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished. If a location or site that has up to three (3) video gaming machines is within one thousand (1000) feet of any other location or site that has up to three (3) video gaming machines and is otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. A video gaming machine lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

(G) Severability.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section

of this article is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Part C. Overlay Districts.

Section 4.14. Purpose.

Overlay Districts are Zoning Districts which are applied only in conjunction with a traditional Zoning District, and may grant additional use and development requirements upon the Underlying Zoning Districts. The effect is to have both the Overlay District and the Underlying Zoning District control the use and development of land placed into any Overlay District.

Overlay Districts support specific public policy objectives as are to be found in the comprehensive plan.

An Overlay District may be initiated as an amendment by the property owner, by the Planning Board, or by the Board of County Commissioners.

Section 4.15. ED – Economic Development District.

(A) **Intent.**

The purpose of the Economic Development District (ED) is to provide locations for a wide range of agricultural industry, light and heavy manufacturing, office, institutional and research uses with no adverse impacts beyond the space occupied by the use.

The Economic Development District shall only be applied to lands in close association with those Major Thoroughfares identified in the Major Thoroughfare Plan, and over lands in the RU-Rural Zoning District. This District is designed to support specific public policy objectives stated in the C.A.M.A. Land Use Plan.

A Zoning Map change either establishing or changing any lands into or out of this Economic Development Overlay District shall be subject to the same procedures and requirements as any other Zoning Map change. The more liberal requirements of the Underlay Zoning District and of the Overlay Zoning District shall apply in any interpretive construction of this Section.

(B) **Application Criteria.**

- (1) No land ownership less than ten (10) acres is eligible for the application of the Economic Development Overlay District.

- (2) No uses shall be located in an Area of Environmental Concern as defined by the N.C. Coastal Area Management Act.
- (3) All operations other than loading or unloading shall be conducted entirely within the building or buildings.
- (4) The Performance Standards of the CM-Commercial-Manufacturing Zoning District shall apply.
- (5) The sign standards of the RU-Rural Zoning Districts shall apply.
- (6) No lot shall be less than one acre in size nor have less than one hundred feet (100') in width.

Section 4.16. Water Quality Protection District.

(A) Intent.

It is the intent of Brunswick County to bolster those regulations of state and federal government as to the unique quality of the water of the Lockwood Folly River associated with naturally occurring shellfish beds.

Such waters have been defined by the state as being those waters south from a line extending from Genoes Point to Mullet Creek, to and across the Intracoastal Water to Sheep Island.

The quality of these defined waters has been affected by such activities as forestry, farming, construction of roads, growth of towns, and rural and suburban residential development, as well as industrial processes associated with the fishing industry.

Numerous types of water pollutants have been identified by state studies. No one or even several types or causes of such degradation have been determined as having more impact than any other.

Among the specific studies have been the March, 1989 publication entitled Report on Coastal Resource Waters – Intensive Study, by the Division of Environmental Management, N.C. Department of Natural Resources and Community Development, and the August, 1989, publication entitled Lockwood Folly River Basin Water Quality Evaluation Report. Those studies are included by reference.

The State of North Carolina concluded the quality of the waters therein had so declined there could be no assurance the proposed regulations would result in the goal of these waters being open full seasons for shell fishing. The Environmental Management Commission did, under N.C. Administrative Code, SubChapter 2B, Surface Water

Standards, Monitoring, Section .0219, Water Quality Management Plans, sub-section(b) establish a defined area of the mouth of this river, as above described, to be protected by a Water Quality Management Plan with specific actions which became effective January 1, 1990, included herein by reference.

The intent of this Water Quality Protection District is to apply a set of regulations for water quality protection, to specifically described areas of land abutting a specifically described water area; which is encompassed by a line drawn to extend across the river from Genoe's Point to Mullet Creek, southly to and across the Atlantic Intracoastal Waterway.

These land area at the time of the enactment of this Chapter have urban character, including one large undeveloped land are identified on numerous maps as Sheep Island.

This District is established as a District which overlays other Zoning Districts.

(B) Application Criteria.

- (1) Lands covered are shown on a special Zoning Overlay Map made a part of this District, whereby all land parcels of public record included are clearly shown. This District includes an area extending 575' landward of the mean high water line, with any lot or parcel falling within such distance being included entirely within this overlay zone.
- (2) Development on a lot, as defined in this Chapter, when the lot is one acre or more in size;
 - (a) Will require an approved Sedimentation Erosion Control Plan be filed, and, further,
 - (b) Must limit the built upon impervious area to no more than twenty-five percent (25%) of the lot, and
 - (c) Must provide a buffer zone of at least thirty feet (30') from any wetland or water line, and
 - (d) Must limit any structures to being at least seventy-five feet (75') from the mean high water line.

Section 4.17. Transportation Overlay Zone.

(A) Intent.

The intent of the Transportation Overlay Zoning (TOZ) is to ensure that lands adjacent to major transportation corridors be developed in a manner that encourages appropriate land usage, maintains the scenic natural beauty of the area, and promotes the health and general welfare of the public. Moreover, Transportation Overlay Zoning serves to facilitate the provision of transportation by promoting the safe and efficient movement of traffic by encouraging development which reduces or eliminates commercial strip development, excessive driveway cuts, visual clutter and poor site layout.

Transportation Overlay Zones are superimposed along designated highways which extend across Brunswick County's planning and zoning jurisdiction. As an overlay zone, it does not control the permitted or conditional uses (Special Exceptions) therein, but provides additional development requirements and standards which are applied within the coverage area for commercial or industrial uses only.

(B) General Application.

- (1) The Transportation Overlay Zone shall apply to the following Brunswick County thoroughfares and major highways:
- US Highway 17 Bypass from New Hanover County line to South Carolina border.
 - NC Highway 211 from Columbus County line to US Highway 17 at Supply.
 - Intersection of US Highway 17 and NC Highway 211 at Supply and NC Highway 211 southeast toward the City of Southport in the unincorporated Brunswick County planning area.
 - NC Highway 130 from boundary of Town of Shallotte's planning jurisdiction northwest toward Columbus County line.
 - US Highway 74/76 from Brunswick County line northwest to Columbus County line.
 - NC Highway 133 from Town of Belville's planning jurisdiction southeast to City of Boiling Spring Lakes' planning jurisdiction and continuing southeast to NC Highway 87 and NC Highway 133 connection.
 - Intersection of US Highway 17 and NC Highway 904 to the Town of Sunset Beach's planning jurisdiction.
 - Long Beach Road (NC Highway 133) from its intersection with NC Highway 211 toward the Town of Oak Island in the unincorporated Brunswick County planning area.

In general, the Brunswick County Transportation Overlay Zone shall follow property lines and identifiable geographic features located within six hundred sixty feet (660') from the North Carolina Department of Transportation (DOT) Right-of-way, as measured from and perpendicular to each side of the highway for any commercial or industrial use.

(1) Exemptions.

The following use(s) shall be exempt from provisions listed in the Transportation Overlay Zone.

- a. Single Family Dwellings and Class A, B and C Manufactured Dwellings, as prescribed in underlying zoning district.

(2) Definitions.

(a) Access Point: A public or private point of ingress and/or egress. All access points shall be in accordance with Article 5 Section 5.104(D) Driveways/Aisles, and designed, constructed and maintained according to the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways* and subject to the following:

(i) New Lots: All new lots, parcels or divisions of land shall be provided one (1) access point/driveway to the highway. New and/or additional access points on controlled or limited access highways (e.g., US Highways 17 and 74/76) must be granted by NC DOT. Additional access points on all other highways designated in this Section may be permitted only after showing actual necessity and approved by NCDOT in accordance with the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*.

For all other designated highways, direct driveway access should be no closer than one hundred fifty feet (150'), measured centerline to centerline.

(ii) Lots of Record: Any lot of record recorded prior to October 2, 2000 shall be allowed one (1) access point, except for controlled or limited access highways (e.g., US Highways 17 and 74/76). Additional access points on all other highways designated in this Section may be permitted only after showing actual necessity and approved by NCDOT in accordance with the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*. New and/or additional access points on controlled or limited access highways must be granted by NC DOT.

For all other designated highways, direct driveway access (for lots of record only) may be allowed to be one hundred feet (100') apart, measured centerline to centerline.

(iii) Corner Lots: Corner lots may have one (1) access point from each road, except for controlled or limited access highways (e.g., US Highways 17 and 74/76). New and/or additional access points on controlled or limited access highways must be granted by NC DOT.

- (iv) Residential Subdivision/PUD Access: All residential lots with road frontage and approved as part of a major subdivision or Planned Unit Development (PUD) by the Brunswick County Planning Board, shall be served internally by an access road designed, constructed, and maintained in accordance with the Brunswick County Subdivision Ordinance and the North Carolina Department of Transportation's *Subdivision Roads Minimum Construction Standards*.
- (b) Joint Access Point: The use of joint access points/driveways to serve adjacent parcels abutting thoroughfares and major highways are required for new lots where there is less than one hundred fifty feet (150') between access points/driveways. Joint access points are encouraged for lots of record recorded prior to October 2, 2000. Joint access points/driveways should be in accordance with design, construction, and maintenance standards set forth in the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*.
- (c) Protective Yard: A landscaped yard area which contains no buildings, vehicular surface areas (with the exception of a vehicle access driveway and/or twenty foot [20'] wide access road) to promote interconnectivity between parcels. Subsurface stormwater facilities and underground septic areas including drainfields are allowed within the protective yard).

(C) Plan Review Procedures.

- (1) The applicant shall submit a site development plan and a landscape plan of the parcel to the Brunswick County Planning Department. The Planning Director or designee will review the site plan in accordance with development standards set forth in this section and make any recommendations to the applicant, if necessary.
- (2) Upon approval of the site plan by the Brunswick County Planning Department, the applicant shall submit the site plan for approval by the North Carolina Department of Transportation.
- (3) Following approval of the site plan and proposed use by the Brunswick County Planning Department and NC DOT, and approval of the landscaping plan by the Brunswick County Planning Department, the respective property development permits may be issued.
- (4) Respective permits may then be issued at each phase of development and only in accordance with the approved site development plan.

- (5) Any subsequent change or expansion which was not previously shown and approved as part of the initial site development plan, must be resubmitted to the Planning Department for review and approval. Further review by NC DOT may be necessary.

(D) Development Standards.

The use and development of land or structures within the Transportation Overlay Zone shall comply with the use and development regulations applicable to the underlying zoning district, except that the following regulations shall apply wherever they are more restrictive than those of the underlying zoning district.

(1) Minimum Lot Requirements (Area and Width)
Per Principal Use or Structure

WITH WATER AND SEWER:

Lot area – No minimum square footage required, except for those uses in which the underlying zoning district requires a minimum lot area.

Lot width- 100 feet when the lot directly abuts a designated highway, except for those uses in which the underlying zoning district requires a lot width greater than 100 feet.

Any lot that does not abut a designated highway shall conform to the underlying zoning district.

WITHOUT WATER AND SEWER:

Lot area – No minimum square footage required, except for those uses in which the underlying zoning district requires a minimum lot area.

Lot width- 100 feet when the lot directly abuts a designated highway, except for those uses in which the underlying zoning district requires a lot width greater than 100 feet.

Any lot that does not abut a designated highway shall conform to the underlying zoning district.

(2) Signs.

- (a) All signs within the Transportation Overlay Zone shall comply with requirements set forth in Article 5 Part B. Signs.

(3) Maximum Building Height.

Maximum Building Height shall be in accordance with Section 6.101(C)

(4) Stormwater Management.

Stormwater management shall meet the requirements of the Brunswick County Stormwater Ordinance or any other applicable stormwater management ordinance within any designated 201 service area.

(5) Maximum Lot Coverage

Maximum lot coverage by total impervious surfaces (i.e., paving, walkways) shall be eighty percent (80%) of the lot area in accordance with the Brunswick County Stormwater Ordinance.

(6) Minimum Yard Requirements.

- (a) Front yard – Fifty foot (50') protective yard from the NC DOT Right-of-way of TOZ designated route, landscaped in accordance with Section 4.17.(D)(9)(a)(2) or left in a naturally wooded state.

For lots of record less than one (1) acre, the protective yard may be reduced to a maximum of twenty-five feet (25') and landscaped in accordance with Section 4.17.(D)(9)(a)(2) or left in a naturally wooded state.

In any instance, maximum impervious surface area shall not exceed eighty percent (80%).

- (b) Rear yard – Ten feet (10') from the property line.

Twenty-five feet (25') from the edge of the right-of-way of an access road if access points are onto an access road.

- (c) Side Yard - Fifteen feet (15') from the adjacent side yard property line(s), twenty-five feet (25') adjacent to street.

Twenty feet (20') side yard requirement if property adjoins residential zoning and shall meet landscaping and buffering requirements set forth below.

(7) Corridor Access

- (a) Driveways for lots of record prior to October 2, 2000 shall be no closer than one hundred feet (100') from each other, unless the driveway is connected to an access road. Joint use driveways are encouraged.

- (b) Driveways for new lots shall be no closer than one hundred fifty feet (150') from each other, unless the driveway is connected to an access road.
 - (i) To meet the driveway requirements stated above, joint use driveways are encouraged between two adjoining sites. The driveway centerline may be the common property line. In such cases, cross access corridors should be provided.
 - (ii) Cross-access corridors, where utilized, shall be designed to provide unified circulation and access between sites.
 - (iii) Where a cross access corridor is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, access and circulation systems, and shall provide design features as necessary to make it visually obvious that abutting properties shall be tied together to create a unified system. If a site is developed adjacent to an undeveloped piece of property, it shall be designed so that its parking, access and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property, it shall tie into the abutting parking, access and circulation to create a unified system.
- (8) Off-Street Parking.
 - (a) Off-street Parking and Loading Spaces shall be in accordance with Article 5 Section 5 Off-street Parking and Loading Spaces.
 - (b) Off-Street Parking areas containing ten (10) or more parking spaces (including loading spaces) shall be landscaped with a planting island of at least one hundred (100) square feet and one (1) island of same size for every ten (10) off-street parking spaces thereafter.
 - (c) Each planting island shall be landscaped, evenly distributed throughout the parking area, and contain ground cover which includes at minimum one (1) tree of at least one and one-half inch (1½") caliper and six (6) shrubs eighteen inches (18") in height at planting.
 - (d) All parking spaces shall be blocked or curbed to prevent vehicles from excessively overhanging into planting islands.

(9) Landscaping and Buffering.

It is the intent of the Transportation Overlay Zone that as much of the subject property as possible be left in an undisturbed or enhanced state of vegetation, and that sufficient areas of natural buffer remain so that the proposed use will be visually in harmony with the natural beauty and wooded character along the highway and within the NC DOT Right-of-way.

Property owners must ensure the survival and health of required trees in perpetuity. If any plant material dies, it must be replaced by the property owner within one hundred eighty (180) days.

(a) Landscaping

All required yards shall either be landscaped or left in a naturally wooded state. All protective yards shall be left in a naturally wooded state or landscaped in accordance with Section 4.17.(D)(9)(a)(2).

- (i) Interior landscaping shall be provided equal to eight percent (8%) of the gross paved area to be used for parking, loading, or vehicular use. Landscaping shall be in the form of green space islands, either separate or protruding, from the perimeter landscaping.
- (ii) Within every fifty feet (50') of lot frontage along any road, a planting area eight feet (8') in depth shall be located immediately adjacent to the property line. The planting area shall contain one (1) tree eight feet (8') in height, or three (3) flowering trees five feet (5') in height, and six (6) shrubs eighteen inches (18") in All height. Height measurements shall be at the time of planting.
- (iii) All interior plantings shall be curbed or blocked for protection.
- (iv) Interior green space areas shall be located to most effectively accommodate stormwater runoff and contribute to orderly circulation of vehicular and pedestrian traffic.
- (v) Where it can be demonstrated that other areas on the site are insufficient to meet retention/detention requirements, stormwater retention/detention facilities shall be allowed to encroach into the protective yard a maximum of 40%. Such facilities must blend into the landscape and be aesthetically pleasing. (Example: Protective yard is 50 feet x 100 feet or 5000 square feet. Stormwater retention/detention facilities may cover up to 2000 square feet [40% of 5000 square feet]of that area).

Subsurface stormwater facilities and underground septic areas including drainfields are allowed within the protective yard, without having to meet the forty percent (40%) maximum encroachment coverage.

- (vi) When, for any reason an existing commercial use without a previously approved landscaping plan is expanded, the property owner shall submit a landscaping plan consistent with the requirements of this section.

(b) Residential Buffers

Where a tract or parcel being developed directly abuts a residential zoning district, the area between the side yard property line(s) shall be labeled as a "buffer area."

No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.

The buffer area may include existing natural vegetation, or a staggered row of evergreen trees or shrubs which give, at minimum, seventy-five percent (75%) opacity within one (1) year of planting. Cooperative Extension may be consulted for appropriate vegetation and planting cycle. (See buffering Section in Article 6 of the Brunswick County Zoning Ordinance for recommended plantings). Artificial Fencing and/or Wall Requirements per Article 5 Section 5 may be incorporated to provide adequate buffering between districts. Berms will be allowed in rear yards only.

(10) Outdoor Lighting.

Ornamental lighting features designed to compliment the character of the development and integrated throughout the surrounding landscape is encouraged.

Outdoor lighting shall be internally oriented and shall not exceed forty feet (40') in height.

(E) Variances.

The Brunswick County Zoning Board of Adjustment shall hear, review and decide any appeals by the applicant regarding any decision or requirement made under these regulations.